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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CANDACE ELAINE RICKETTS
491 Northlake Drive #204
San Jose, CA 95117

Registered Nurse License No. 662483

RESPONDENT

Case No. 2012-235

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 12, 2011, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-235 against Candace Elaine Ricketts (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about August 2, 2005, the Board of Registered Nursing (Board) issued Registered Nurse License No. 662483 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on May 31, 2007 and has not been renewed.

3. On or about October 12, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-235, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

491 Northlake Drive #204

San Jose, CA 95117.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about November 8, 2011, the Certified Mail documents were returned and
5 marked by the U.S. Postal Service, "Unclaimed." The address on the documents was the same as
6 the address on file with the Board. Respondent has not made herself available for service and
7 therefore, has not availed herself of her right to file a notice of defense and appear at hearing.

8 6. Business and Professions Code section 2764 states:

9 The lapsing or suspension of a license by operation of law or by order or decision of
10 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive
11 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
12 against such license, or to render a decision suspending or revoking such license.

13 7. Government Code section 11506 states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
15 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
16 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
17 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

18 8. Respondent failed to file a Notice of Defense within 15 days after service of
19 the Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation
20 No. 2012-235.

21 9. California Government Code section 11520 states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
23 agency may take action based upon the respondent's express admissions or upon other evidence
24 and affidavits may be used as evidence without any notice to respondent.

25 10. Pursuant to its authority under Government Code section 11520, the Board after
26 having reviewed the proof of service dated October 12, 2011, signed by Kami Pratab, and the
27 returned envelope finds Respondent is in default. The Board will take action without further
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1 hearing and, based on Accusation No. 2012-235 and the documents contained in Default Decision
2 Investigatory Evidence Packet in this matter which includes:

3 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2012-235,
4 Statement to Respondent, Notice of Defense (two blank copies), Request
5 for Discovery and Discovery Statutes (Government Code sections
6 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail
7 receipt or copy of returned mail envelopes;

8 Exhibit 2: License History Certification for Candace Elaine Ricketts, Registered
9 Nurse License No. 662483;

10 Exhibit 3: Out of State Discipline (Kentucky Board of Nursing);

11 Exhibit 4: Declaration of costs by Office of the Attorney General for prosecution of
12 Case No. 2012-235.

13 The Board finds that the charges and allegations in Accusation No. 2012-235 are separately and
14 severally true and correct by clear and convincing evidence.

15 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by
16 the Office of the Attorney General contained in the Default Decision Investigatory Evidence
17 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that
18 the reasonable costs for Investigation and Enforcement in connection with the Accusation are
19 \$577.50 as of March 6, 2012.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Candace Elaine Ricketts has
3 subjected her following license(s) to discipline:

4 a. Registered Nurse License No. 662483

5 2. The agency has jurisdiction to adjudicate this case by default.

6 3. The Board of Registered Nursing is authorized to revoke Respondent's license(s)
7 based upon the following violations alleged in the Accusation, which are supported by the
8 evidence contained in the Default Decision Investigatory Evidence Packet in this case.

9 a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary
10 action by another State Board of Nursing.

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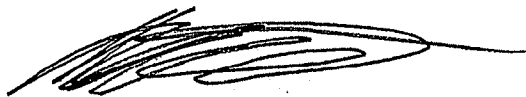
ORDER

IT IS SO ORDERED that Registered Nurse License No. 662483, heretofore issued to Respondent Candace Elaine Ricketts, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 3, 2012.

It is so ORDERED July 5, 2012.



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2012-235

Exhibit A

Accusation No. 2012-235

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5548
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 LYDIA ZANE, Senior Legal Analyst
Telephone: (415) 703-5548
9 Facsimile: (415) 703-5480

10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No.

2012-235

13 **CANDACE ELAINE RICKETTS**
14 **491 Northlake Drive #204**
San Jose, CA 95117-1329
15 **Registered Nurse License No. 662483**

A C C U S A T I O N

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 2, 2005, the Board of Registered Nursing issued Registered
24 Nurse License Number 662483 to Candace Elaine Ricketts (Respondent). The Registered Nurse
25 License expired on May 31, 2007, and has not been renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
3 that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2764 of the Code provides that the expiration of a license shall not deprive
7 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to
8 render a decision imposing discipline on the license. Under section 2811(b) of the Code, the
9 Board may renew an expired license at any time within eight years after the expiration.

10 STATUTORY PROVISIONS

11 6. Section 2761 of the Code states: "the board may take disciplinary action against a
12 certified or licensed nurse or deny an application for a certificate or license for any of the
13 following:

14 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

15 ...

16 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
17 against a health care professional license or certificate by another state or territory of the United
18 States, by any other government agency, or by another California health care professional
19 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
20 action."

21 COST RECOVERY

22 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licensee found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Out of State Discipline)
3 (Bus. & Prof. Section 2761, subd. (a)(4))

4 8. Respondent is subject to disciplinary action under Code section 2761, subdivision
5 (a)(4), in that on or about August 3, 2007, in a disciplinary action before the Kentucky Board of
6 Nursing (Kentucky Board), Case #2007-56, RN License # 1102543, the Respondent entered into
7 an Agreed Order with the Kentucky Board whereby she surrendered her nursing license for a
8 period of at least one (1) year. The Order was agreed to and entered by the Kentucky Board on
9 August 21, 2007.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 662483, issued to
14 Candace Elaine Ricketts;

15 2. Ordering Candace Elaine Ricketts to pay the Board of Registered Nursing the
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: October 12, 2011

20 *for* LOUISE R. BAILEY, M.ED., RN
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

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